IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5408 OF 2006

Shreeji Hiring Pvt. Ltd. .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.B.G. Tangsali for the Petitioner.

Mr.C.R. Sonawane, A.G.P. for the Respondents.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 15th September 2006

P.C. :

1. The petition is filed since various trailers owned by the Petitioner are threatened to be detained for not complying with the CNG/LPG equipment as required under the Division Bench judgment in Bombay Environment Action Group v. Municipal Corporation - 2004 (3) B.C.R. 217.

2. Mr.Tangsali points out that though the trailers are having separate registration number, they are not having any engine permanently fitted with them. The term "trailer" has been defined under the Motor Vehicles Act to mean any vehicle other than a semi-trailer and the side car drawn or intended to be drawn by a motor

vehicle. As far as the motor vehicle, which is drawing a trailer, is concerned, that motor vehicle will have to comply with the CNG/LPG equipment requirement. The trailer by itself need not be detained for any such insistence. Mr.Tangsali further points out that some 13 trailers are threatened and the trailer bearing No.MMS-4106 has been detained in the meanwhile. The Respondents have filed a reply.

3. In view of what is stated above, in our view, the Petitioner's trailers, whose numbers are given at page 25 of the petition, need not be detained unless the motor vehicle, which is drawing them, is not fitted with CNG/LPG equipment.

4. Accordingly, we dispose of this petition with the above direction. Trailer No.MMS-4106 will also be released along with the original documents.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)